

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GREGORY C. KRUG,)	
)	
Plaintiff,)	
vs.)	Case No. CIV-11-1407-HE
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER


Plaintiff Gregory Krug, a federal appearing *pro se* and *in forma pauperis*, filed this action against the United States of American under the Federal Tort Claims Act. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. Judge Purcell has recommended that the complaint be dismissed without prejudice because plaintiff has failed to comply with the court's June 18, 2012 order [Doc. #19]. Objections to the magistrate judge's report and recommendation were due by July 30, 2012.

The parties, having failed to object to the report and recommendation, have waived their rights to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Accordingly, the Report and Recommendation [Doc. #20] is **ADOPTED** and the complaint is **DISMISSED** without prejudice. Defendant's motions to rescind plaintiff's *ifp* status [Doc.

#14] and to dismiss [Doc. #15] are **STRICKEN** as **MOOT**. A separate judgment will be filed contemporaneously with this order. Fed. R. Civ. P. 58(a).

IT IS SO ORDERED.

Dated this 20th day of August, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE